

ORIGINAL FILED

JAN 23 1992

LOS ANGELES  
SUPERIOR COURT

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Professional Law Corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

RELIGIOUS TECHNOLOGY CENTER, a  
California Non-Profit Religious  
Corporation; CHURCH OF  
SCIENTOLOGY INTERNATIONAL, a  
California Non-Profit Religious  
Corporation; and CHURCH OF  
SCIENTOLOGY OF CALIFORNIA, a  
California Non-Profit Religious  
Corporation,

Plaintiffs,

vs.

JOSEPH A. YANNY, an Individual;  
JOSEPH A. YANNY, a Professional  
Law Corporation and DOES 1  
through 25, Inclusive,

Defendants.

No. BC 033035

~~REVISED PROPOSED~~ DEFENDANTS'  
VERIFIED FIRST AMENDED ANSWER  
TO PLAINTIFFS' VERIFIED  
COMPLAINT. DEMAND FOR JURY  
TRIAL

Motion Cutoff Date:  
March 27, 1992

Discovery Cutoff:  
March 27, 1992

Trial Date: April 27, 1992  
Time: 8:30 a.m.  
Dept: 41

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1 Defendants Joseph A. Yanny, an individual, and Joseph A.  
2 Yanny, a professional law corporation ("collectively "defendants"),  
3 provide the following verified first amended response to  
4 plaintiffs' verified complaint in this matter.

5 1. Answering paragraph 1 of plaintiffs' complaint, defendants  
6 admit that judgment was entered in the case entitled Religious  
7 Technology Center, et al. v. Joseph A. Yanny, et al., Los Angeles  
8 Superior Court Case No. C690211, on February 28, 1991, and that  
9 plaintiffs were resoundingly defeated in that case. Except as  
10 expressly admitted above, defendants deny, generally and  
11 specifically, each and every allegation of Paragraph 1 of  
12 plaintiffs' complaint.

13 2. Answering Paragraph 2 of plaintiffs' complaint, defendants  
14 admit that Plaintiff Religious Technology Center styles itself as a  
15 not-for-profit religious corporation organized and existing under  
16 the laws of the State of California. Defendants deny, however,  
17 that plaintiff is either a "not-for-profit" or "religious  
18 corporation" in any meaningful sense of those terms.

19 3. Answering Paragraph 3 of plaintiffs' complaint, defendants  
20 admit that Plaintiff Church of Scientology International styles  
21 itself as a California not-for-profit religious corporation.  
22 Defendants deny, however, that plaintiff is either a "not-for-  
23 profit" or "religious corporation" in any meaningful sense of those  
24 terms.

25 4. Answering Paragraph 4 of plaintiffs' complaint, defendants  
26 admit that Plaintiff Church of Scientology of California styles  
27 itself as a California not-for-profit religious corporation.  
28 Defendants deny that plaintiff is either a "not-for-profit" or



1 "religious corporation" in any meaningful sense of those terms.

2 5. Answering Paragraph 5 of plaintiffs' complaint, defendants  
3 admit that Defendant Joseph A. Yanny is an attorney licensed to  
4 practice law in the State of California and a resident of Hermosa  
5 Beach, California.

6 6. Answering Paragraph 6 of Plaintiffs' complaint, defendants  
7 admit that Defendant Joseph A. Yanny, a professional law  
8 corporation, is and has been a professional corporation organized  
9 and existing under the laws of the State of California, with its  
10 principal office in Los Angeles, California.

11 7. Answering Paragraph 7 of plaintiffs' complaint, defendants  
12 deny each and every allegation set forth in this paragraph, and  
13 further deny that there are any legitimate fictitiously-named  
14 defendants in this action, nor any party to this action against  
15 whom these plaintiffs have legitimate claims.

16 8. Answering Paragraph 8 of plaintiffs' complaint, defendants  
17 admit that, at various times, defendant has represented certain of  
18 the plaintiffs in this action in various cases prior to December  
19 1987. Except as expressly admitted above, defendants otherwise  
20 deny each and every allegation set forth in paragraph 8 of  
21 plaintiffs' complaint.

22 9. Answering Paragraph 9 of plaintiffs' complaint, defendants  
23 admit that, at various times, Defendant Joseph A. Yanny represented  
24 certain of the plaintiffs in various pieces of litigation prior to  
25 December 1987. Except as expressly admitted above, defendants  
26 deny each and every allegation set forth in Paragraph 9 of  
27 plaintiffs' complaint.

28 //



1           10. Answeri Paragraph 10 of plainti complaint,  
2 defendants admit that Defendant Joseph A. Yanny provided legal  
3 counsel to certain of the plaintiffs in this case between 1983 and  
4 1987. Except as expressly admitted above, defendants otherwise  
5 deny each and every allegation set forth in Paragraph 10 of  
6 plaintiffs' complaint, and further specifically deny that  
7 defendants provided legal services to plaintiffs on "essentially  
8 all" of plaintiffs' legal matters during that period of time.

9           11. Answering paragraph 11 of plaintiffs' complaint,  
10 defendants admit that, during the course of the attorney-client  
11 relationship with plaintiffs, there were certain duties that bound  
12 both parties to that relationship. Those duties and ethical  
13 obligations are a matter of statutory and case law. Except as  
14 expressly admitted above, defendants deny each and every allegation  
15 set forth in paragraph 11 of the plaintiffs' complaint, and further  
16 deny that Paragraph 11 is an accurate rendition of the duties and  
17 obligations binding an attorney in the course of an attorney-client  
18 relationship.

19           12. Answering Paragraph 12 of plaintiffs' complaint,  
20 defendants admit that the defendants were purportedly provided with  
21 certain information during the course of defendants' representation  
22 of the plaintiffs in this matter. Except as expressly admitted  
23 above, defendants otherwise deny each and every allegation of  
24 paragraph 12, and further allege that, during the course of the  
25 representation of plaintiffs, defendants were rarely, if ever,  
26 provided any accurate information concerning the legal, and other  
27 concerns of plaintiffs. Rather, defendants at all times were  
28 provided with "shore stories" concocted by the plaintiffs to



1 insulate the defendants from the truth concerning the plaintiffs  
2 and their various endeavors. This campaign of deceit and  
3 disinformation was conducted by plaintiffs to avoid defendants from  
4 at any time learning the truth concerning the plaintiffs' improper  
5 and frequently criminal activities.

6 13. Answering Paragraph 13 of plaintiffs' complaint,  
7 defendants deny each and every allegation set forth in paragraph  
8 13.

9 14. Answering Paragraph 14 of plaintiffs' complaint,  
10 defendants admit that the attorney-client relationship between  
11 plaintiffs and Yanny was terminated no later than the first day of  
12 December 1987. Except as expressly admitted above, defendants deny  
13 each and every allegation set forth in Paragraph 14 of the  
14 complaint.

15 15. Answering Paragraph 15 of plaintiffs' complaint,  
16 defendants admit that there was in place, until February 28, 1991,  
17 a preliminary injunction, the terms of which are set forth in the  
18 injunction. That injunction was obtained by plaintiffs in this  
19 matter in the earlier case entitled, Religious Technology Center,  
20 et al. v. Joseph A. Yanny, et al., Los Angeles Superior Court Case  
21 No. C690211, on the basis of misrepresentations to the court and on  
22 the basis of perjured declarations knowingly submitted by these  
23 plaintiffs. Defendants further admit that, on or about June 28,  
24 1991, defendants appeared as counsel of record for Vicki and  
25 Richard Aznaran in a federal court action. The appearance of these  
26 defendants as counsel for the Aznarans in that action was made  
27 necessary by the improper and contemptible stratagems undertaken by  
28 plaintiffs in this matter to deprive the Aznarans of counsel in



1 that matter. ... king what action these defendants did,  
2 defendants acted only to protect the Aznarans' constitutional  
3 rights to pursue their causes of action against these plaintiffs,  
4 who are willing to take, and have taken in the past, any steps they  
5 felt necessary, no matter how illegal or unethical those steps may  
6 be, to frustrate the Aznarans' rights. Except as expressly  
7 admitted above, defendants deny each and every allegation set forth  
8 in Paragraph 15 of plaintiffs' complaint.

9 16. Answering Paragraph 16 of plaintiffs' complaint,  
10 defendants admit that, to defendants knowledge, the plaintiffs have  
11 actively been engaged in litigation in the matter entitled Church  
12 of Scientology of California v. Gerald Armstrong, Los Angeles  
13 Superior Court Case No. C420153. Except as above expressly  
14 admitted above, defendants deny each and every allegation set forth  
15 in Paragraph 16 of plaintiffs' complaint.

16 17. Answering Paragraph 17 of plaintiffs' complaint,  
17 defendants reallege and incorporate herein by this reference each  
18 and every admission, denial and other response contained in  
19 paragraphs 1 through 16, inclusive of this answer, to plaintiffs'  
20 compliant.

21 18. Answering Paragraph 18 of plaintiffs' complaint,  
22 defendants admit that the case filed by Vicki and Richard Aznaran  
23 was filed on or about April 1, 1988. Except as expressly admitted  
24 above, defendants deny each and every allegation set forth in  
25 Paragraph 18 of plaintiffs' complaint.

26 19. Answering Paragraph 19 of plaintiffs' complaint,  
27 defendants admit that Vicki and Richard Aznaran were originally  
28 represented by Barry Van Sickle, and that Mr. Van Sickle at one



1 point was disqualified by the federal court from representation of  
2 the Aznarans. This disqualification was based on most of the same  
3 perjured declarations that were submitted by plaintiffs in  
4 Religious Technology Center, et al. v. Joseph A. Yanny, et al., Los  
5 Angeles Superior Court Case No. C690211. Live testimony by the  
6 declarant relied on by the plaintiffs was found to be inherently  
7 incredible and not worthy of belief by the Honorable Raymond  
8 Cardenas, who tried the bench portion of the trial in Religious  
9 Technology Center, et al. v. Joseph A. Yanny, et al. Except as  
10 otherwise expressly admitted, defendants deny each and every  
11 allegation set forth in Paragraph 19 of plaintiffs' complaint.

12 20. Answering Paragraph 20 of plaintiffs' complaint,  
13 defendants admit that, on or about June 28, 1991, defendant Joseph  
14 A. Yanny informed John J. Quinn, counsel for plaintiff Church of  
15 Scientology International, that he would substitute into the  
16 Aznaran case for the Aznarans and reasonably requested an extension  
17 of time to oppose a summary judgment motion. That reasonable  
18 request was refused. Except as expressly admitted above,  
19 defendants deny each and every allegation set forth in paragraph 20  
20 of plaintiffs' complaint.

21 21. Answering Paragraph 21 of plaintiffs' complaint,  
22 defendants admit that defendants were substituted in as counsel  
23 representing the Aznarans in the federal action, having sought and  
24 obtained permission of court for that substitution. Defendants  
25 also admit that all requests for a reasonable continuance of time  
26 to protect the rights of the Aznarans in that case against a  
27 pending motion for summary judgment, which was purposely filed by  
28 plaintiffs in this matter at a time when the Aznarans were not



1 represented, were refused. Except as expressly admitted above,  
2 defendants otherwise deny each and every allegation set forth in  
3 paragraph 21 of plaintiffs' complaint.

4 22. Answering Paragraph 22 of plaintiffs' complaint,  
5 defendants admit that plaintiffs in this action predictably made a  
6 motion to disqualify defendants from representing the Aznarans.  
7 Except as expressly admitted above, defendants deny each and every  
8 allegation set forth in Paragraph 22 of plaintiffs' complaint.

9 23. Answering Paragraph 23 of plaintiffs' complaint,  
10 defendants admit that defendants acted reasonably and ethically in  
11 representing Vicki and Richard Aznaran over a short period of time  
12 in the federal action, beginning on June 28, 1991. Except as  
13 expressly admitted above, defendants deny each and every allegation  
14 set forth in Paragraph 23 of plaintiffs' complaint.

15 24. Answering Paragraph 24 of plaintiffs' complaint,  
16 defendants admit that, at various times, defendants have  
17 represented certain of the plaintiffs in this action in various  
18 cases prior to December 1987. Except as expressly admitted above,  
19 defendants otherwise deny each and every allegation set forth in  
20 Paragraph 24 of plaintiffs' complaint, and further specifically  
21 deny that paragraph 24 is an accurate rendition of the duties and  
22 obligations binding an attorney in the course of an attorney-client  
23 relationship.

24 25. Answering Paragraph 25 of plaintiffs' complaint,  
25 defendants deny each and every allegation set forth in Paragraph  
26 25.

27 26. Answering Paragraph 26 of plaintiffs' complaint,  
28 defendants deny each and every allegation set forth in Paragraph



1 26.

2 27. Answering Paragraph 27 of plaintiffs' complaint,  
3 defendants deny each and every allegation set forth in Paragraph  
4 27.

5 28. Answering Paragraph 28 of plaintiffs' complaint,  
6 defendants deny each and every allegation set forth in Paragraph  
7 28.

8 29. Answering Paragraph 29 of plaintiffs' complaint,  
9 defendants reallege and incorporate herein by this reference each  
10 and every admission, denial and other response contained in  
11 Paragraphs 1 through 16, inclusive of this answer to plaintiffs'  
12 complaint.

13 30. Answering Paragraph 30 of plaintiffs' complaint,  
14 defendants deny each and every allegation of Paragraph 30.

15 31. Answering Paragraph 31 of plaintiffs' complaint,  
16 defendants deny each and every allegation of Paragraph 31.

17 32. Answering Paragraph 32 of plaintiffs' complaint,  
18 defendants admit that, at various times, defendants represented  
19 certain of the plaintiffs in this action in various cases prior to  
20 December 1987. Except as expressly admitted above, defendants  
21 otherwise deny each and every allegation set forth in Paragraph 32.  
22 Defendants specifically deny that Paragraph 32 is an accurate  
23 rendition of the duties and obligations binding an attorney in the  
24 course of an attorney-client relationship.

25 33. Answering paragraph 33 of plaintiffs' complaint,  
26 defendants deny each and every allegation set forth in Paragraph  
27 33.

28 ///



1 34. Answer paragraph 34 of plaintiff's complaint,  
2 defendants deny each and every allegation set forth in paragraph  
3 34.

4 35. Answering Paragraph 35 of plaintiffs' complaint,  
5 defendants deny each and every allegation set forth in paragraph  
6 35.

7 36. Answering Paragraph 36 of plaintiffs' complaint,  
8 defendants deny each and every allegation set forth in Paragraph  
9 36.

10  
11 FIRST AFFIRMATIVE DEFENSE

12 (Failure to State A Cause of Action)

13 37. Further answering said complaint and as a first, separate  
14 and affirmative defense thereto, these defendants allege as  
15 follows:

16 The complaint and each cause of action contained therein  
17 fails to state a cause of action against these defendants upon  
18 which relief can be granted.

19  
20 SECOND AFFIRMATIVE DEFENSE

21 (This Court Cannot Enjoin The Practice of Law)

22 38. Further answering said complaint and as a second,  
23 separate and affirmative defense thereto, these defendants allege  
24 as follows:

25 Any attempt by plaintiffs, or any of them, to limit the  
26 clientele to which these answering defendants, or any of them, may  
27 render legal services after the termination of the attorney-client  
28 relationship between the plaintiffs, or any of them, and these



1 answering defendants, or any of them, which imitation goes beyond  
2 that required by the rules of professional conduct, is void and  
3 unenforceable as a matter of public policy, and constitutes an  
4 unenforceable restraint on the right of defendants, or any of them,  
5 to pursue their chosen profession.

6  
7 THIRD AFFIRMATIVE DEFENSE

8 (Mootness)

9 39. Further answering said complaint and as a third,  
10 separate and affirmative defense thereto, these defendants allege  
11 as follows:

12 All wrongs alleged by plaintiffs have already been  
13 completed, no further or additional alleged actual or potential  
14 damages are threatened or even possible, and therefore plaintiffs'  
15 claim for injunctive relief is moot and must fail.

16  
17 FOURTH AFFIRMATIVE DEFENSE

18 (No Substantial Relationship)

19 40. Further answering said complaint and as a fourth,  
20 separate and affirmative defense thereto, these defendants allege  
21 as follows:

22 (a) There is no substantial relationship between the  
23 matters alleged in the first cause of action of Plaintiffs'  
24 complaint and the former representation, and these answering  
25 defendants were never in a position where they did or could have  
26 received information that the plaintiffs might reasonably have  
27 assumed that these answering defendants would or should withhold  
28 from either Vicki Aznaran, the former president of plaintiff



1 Religious Technology Center, or Richard Aznaran, a former employee  
2 of Church of Scientology International.

3 (b) There is no substantial relationship between the  
4 matters alleged in the second cause of action, or any relationship  
5 between Defendants and Gerald Armstrong, and the former  
6 representation, and these answering defendants were never in a  
7 position where they did or could have received information that the  
8 plaintiffs might reasonably have assumed that these answering  
9 defendants would or should withhold from Gerald Armstrong, a former  
10 "intelligence officer" of Scientology's Sea Organization, then the  
11 group of the most "elite" of Scientologists who worked directly for  
12 L. Ron Hubbard, and who was privy to more than 500,000 pages of  
13 documentation about the life of L. Ron Hubbard and the most  
14 confidential operations of the Scientology organization.

15  
16 FIFTH AFFIRMATIVE DEFENSE

17 (No Disclosure of Confidences)

18 41. Further answering said complaint and as a fifth,  
19 separate and affirmative defense thereto, these answering  
20 defendants allege as follows:

21 These answering defendants were never in the possession  
22 of confidential information which was not already and/or  
23 independently known to any or all of Vicki Aznaran, Richard  
24 Aznaran, or Gerald Armstrong.

25  
26 SIXTH AFFIRMATIVE DEFENSE

27 (Failure to Exhaust Other Remedies)

28 42. Further answering said complaint and as a sixth,



1 separate and affirmative defense thereto, these defendants allege  
2 as follows:

3 Each and all purported causes of action set forth in the  
4 complaint, and any and all claims based thereon, are barred by  
5 reason of plaintiffs' failure to exhaust their other available  
6 remedies.

7  
8 SEVENTH AFFIRMATIVE DEFENSE

9 (Unclean Hands)

10 43. Further answering said complaint and as a seventh,  
11 separate and affirmative defense thereto, these answering  
12 defendants repeat, reallege and incorporate herein by reference  
13 each and every allegation contained in paragraphs 44, 45, 46, 51,  
14 54, 57, and 58 herein and allege as follows:

15 Plaintiffs are barred from bringing this action against  
16 these defendants and/or obtaining the equitable relief requested  
17 herein under the doctrine of unclean hands.

18  
19 EIGHTH AFFIRMATIVE DEFENSE

20 (In Pari Delicto)

21 44. Further answering said complaint and as an eighth,  
22 separate and affirmative defense thereto, these answering  
23 defendants repeat, reallege and incorporate by reference herein  
24 each and every allegation contained in paragraphs 43, 45, 46, 51,  
25 54, 57 and 58 herein and allege as follows:

26 Notwithstanding the things alleged of defendants in the  
27 complaint, which are denied in the applicable paragraphs herein,  
28 plaintiffs and their counsels' conduct in connection with the



1 events allegedly giving rise to the first cause of action bars  
2 plaintiffs from recovery with regard to the first cause of action  
3 under the doctrine of in pari delicto.

4  
5 NINTH AFFIRMATIVE DEFENSE

6 (Illegality)

7 45. Further answering said complaint and as a ninth,  
8 separate and affirmative defense thereto, these answering  
9 defendants repeat, reallege and incorporate herein by reference  
10 each and every allegation contained in paragraphs 43, 44, 46, 51,  
11 54, 57 and 58 herein and allege on the basis of either personal  
12 knowledge or information and belief as follows:

13 Plaintiffs are barred from bringing this action as a  
14 result of their acts of illegality in connection with matters that  
15 were being handled by defendants for plaintiffs, but not disclosed  
16 by plaintiffs to defendants at the time of such handling, services  
17 which plaintiffs requested defendants to perform (e.g., with regard  
18 to the Flynn settlement agreements), but which they refused to so  
19 do because of their illegality, plaintiffs' illegal conduct in  
20 committing the acts giving rise to the action entitled Vicki  
21 Aznaran, et al. v. Church of Scientology of California, and  
22 assigned Case Number C-88-1786 JMI (Ex) by the United States  
23 District Court for the Central District of California ("The Aznaran  
24 case"); conduct by plaintiffs and their counsel and others,  
25 including but not limited to the making of certain settlement  
26 proposals to Barry Van Sickle, Esq., for direct communication to  
27 Vicki and Richard Aznaran ("the Aznarans") knowing that Barry Van  
28 Sickle, Esq. had been disqualified from representing the Aznarans,



1 and knowing that the Aznarans were at the time represented by Ford  
2 Greene and participating in conduct which resulted in the Aznarans  
3 (in the hopes of facilitating settlement and in accordance with  
4 plaintiffs' conditions) dismissing their counsel, Ford Greene.  
5 Furthermore, plaintiffs have entered into numerous settlement  
6 agreements with many attorneys (e.g. the Flynn settlement  
7 agreements), and many of those settlement agreements have included  
8 illegal provisions restricting those attorneys from ever  
9 representing any clients with interests adverse to the plaintiffs  
10 herein, with the effect that the number of attorneys available to  
11 represent the Aznarans, and others wishing to litigate against the  
12 plaintiffs, have been significantly depleted. Furthermore, other  
13 acts of illegality by plaintiffs have been publicly documented.  
14 Moreover, plaintiffs have engaged in acts of impropriety including  
15 what the District Court in the Aznaran case has referred to in a  
16 written order, entered after the events in issue herein, as  
17 "outrageous litigation tactics . . . by both sides." Also, the  
18 conduct of plaintiffs against various opposing counsel, judges and  
19 government authorities (including but not limited to illegal  
20 surveillance, obtaining phone company records, breaking and  
21 entering, property damage, threatening conduct, killing pets and  
22 violence) have discouraged and intimidated attorneys from appearing  
23 in litigation against the plaintiffs, thus further significantly  
24 depleting the pool of attorneys immediately available to represent  
25 the Aznarans, and others, against the plaintiffs.

26 //

27 //

28 //



(Fraud and Deceit)

46. Further answering said complaint and as a tenth, separate and affirmative defense thereto, these answering defendants repeat, reallege and incorporate herein by reference each and every allegation contained in paragraphs 43, 44, 51, 54, 57 and 58 herein and allege, on the basis of either personal knowledge or information and belief, as follows:

Plaintiffs are barred from bringing this action against these defendants because of their fraud and deceit in the Aznaran case prior to July 1, 1991. Plaintiffs, through their counsel, John J. Quinn ("Quinn") and William T. Drescher ("Drescher"), caused material misrepresentations to be made to the Aznarans with knowledge of the falsity of the misrepresentations at the time they were made and with the intent to deceive the Aznarans, who actually and justifiably relied on those material misrepresentations to their injury, by substituting themselves into the Aznaran case as attorneys pro per in the place of their counsel, Ford Greene, whereupon plaintiffs filed a motion for summary judgment against the Aznarans.

Specifically, Quinn, Drescher, and another attorney, Barry Van Sickle, in or about June 5, 1991, met in a restaurant when they discussed the possible settlement of both the Aznaran case and the case of Corydon v. Church of Scientology, et al. and discussed certain settlement proposals with regard thereto. Obviously, knowing that Van Sickle had been disqualified at their instance from representing the Aznarans in the Aznaran case because of his relationship with defendants herein, and well knowing that



1 the Aznarans were represented by their Attorney of record, Ford  
2 Greene, Quinn and Drescher made settlement proposals to Van Sickle  
3 regarding possible settlement of the Aznaran case. Quinn and  
4 Drescher, on behalf of plaintiffs, specifically discussed details  
5 regarding Van Sickle making direct settlement proposals to the  
6 Aznarans without the knowledge of their counsel of record, Ford  
7 Greene, and with the expectation that the Aznarans might thus be  
8 induced to then discharge their attorney, Greene. Furthermore,  
9 Drescher, in the presence of Quinn, expressly made it a condition  
10 of this meeting(s) and communications that these discussions would  
11 never be repeated and would not become the subject of declarations  
12 in either the Corydon case or the Aznaran case. By inducing Van  
13 Sickle to make settlement proposals to the Aznarans, plaintiffs  
14 thus made Van Sickle their agent.

15 On June 20, 1991, or thereabouts, Quinn, Drescher and Van  
16 Sickle again met in a restaurant and again discussed joint  
17 settlement of the Corydon and Aznaran cases. At this meeting,  
18 Quinn and Drescher learned that the Aznarans were now discharging  
19 Ford Greene. Neither Quinn nor Drescher disclosed to Van Sickle  
20 during either of these restaurant meetings, or at any other  
21 relevant time, that plaintiffs were then finalizing a substantial  
22 motion for summary judgment in the Aznaran case.

23 Within a very short time thereafter, on July 1, 1991, the  
24 Aznarans substituted themselves into the Aznaran case in pro per in  
25 place of Greene who they had discharged, and whereupon plaintiffs  
26 filed a motion for summary judgment against the Aznarans.

27 Believing that they had taken a major step towards  
28 concluding a settlement agreement with plaintiffs, and instead



1 suddenly facing a motion for summary judgment and without essential  
2 legal representations, the Aznarans contacted defendants for  
3 assistance. Defendants contacted Quinn and requested plaintiffs  
4 continue the hearing date on the summary judgment motion so that  
5 the Aznarans could obtain new legal counsel and oppose the  
6 plaintiffs' motion for summary judgment. Quinn refused to continue  
7 the hearing date on plaintiffs' motion for summary judgment.  
8 Subsequently, the District Court reinstated Ford Greene as the  
9 Aznaran's counsel and shortly thereafter entered a written order  
10 referring to the "outrageous litigation tactics" being employed in  
11 the case.

12  
13 ELEVENTH AFFIRMATIVE DEFENSE

14 (Res Judicata)

15 47. Further answering said complaint and as an eleventh,  
16 separate and affirmative defense thereto, these answering  
17 defendants allege as follows:

18 Plaintiffs' complaint, and plaintiffs' claims for  
19 equitable relief and damages, are barred by the doctrine of res  
20 judicata.

21  
22 TWELFTH AFFIRMATIVE DEFENSE

23 (Collateral Estoppel)

24 48. Further answering said complaint and as a twelfth,  
25 separate and affirmative defense thereto, these answering  
26 defendants allege as follows:

27 Plaintiffs' complaint, and plaintiffs' claims for  
28 equitable relief and damages therein, are barred by the doctrine of



1 collateral estoppel.

2  
3 THIRTEENTH AFFIRMATIVE DEFENSE

4 (Failure to Mitigate Damages)

5 49. Further answering said complaint and as a  
6 thirteenth, separate and affirmative defense thereto, these  
7 answering defendants allege as follows:

8 Plaintiffs, and/or their counsel or other agents, failed  
9 to take proper and reasonable steps to avoid or mitigate the  
10 damages alleged in the Complaint, and to the extent of such failure  
11 to mitigate or to avoid, damages allegedly incurred by plaintiffs,  
12 if any, should be reduced accordingly.

13  
14 FOURTEENTH AFFIRMATIVE DEFENSE

15 (Waiver -- of the Attorney/Client Privilege and Estoppel)

16 50. Further answering said complaint and as a  
17 fourteenth, separate and affirmative defense thereto, these  
18 answering defendants allege as follows:

19 Plaintiffs, inter alia, in filing and prosecuting their  
20 complaint in Religious Technology Center, et al. v. Joseph A.  
21 Yanny, et al., Los Angeles Superior Court Case No. C690211 ("Yanny  
22 I") have knowingly waived any privilege regarding confidentiality  
23 of attorney client communications pursuant to California Evidence  
24 Code Section 958 and other applicable law and have thereby released  
25 these defendants from any alleged duty to maintain confidences as  
26 asserted in this action and are therefore estopped from recovery  
27 herein.



FIFTEENTH AFFIRMATIVE DEFENSE

(Waiver and Estoppel -- Crime/Fraud Exception)

51. Further answering said complaint and as a fifteenth, separate and affirmative defense thereto, these answering defendants repeat, reallege and incorporate herein by reference each and every allegation contained in paragraphs 45 and 46 of this verified first amended complaint and allege as follows:

Plaintiffs are barred from asserting each and all of the purported causes of action in the complaint by reasons of their own acts, omissions and conduct, or that of their agents, pursuant to California Evidence Code §956, in that professional services of defendants were sought or obtained to enable plaintiffs to commit, or plan to commit, a crime or fraud.

SIXTEENTH AFFIRMATIVE DEFENSE

(Waiver and Estoppel -- Multiple Representation)

52. Further answering said complaint and as a sixteenth, separate and affirmative defense thereto, these answering defendants allege as follows:

Plaintiffs are barred from asserting their first cause of action in their complaint by reason of the joint client exception to the attorney client privilege in that defendants previously represented Vicki Aznaran, jointly with plaintiffs, in a matter(s) of common interest.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Estoppel By Conduct)

53. Further answering said complaint and as a



1 seventeenth, separate and affirmative defense thereto, these  
2 answering defendants allege as follows:

3 Plaintiffs are equitably estopped from asserting each and  
4 all of the purported causes of action in the complaint by reason of  
5 their own acts, omissions and conduct, or that of their agents.

6  
7 EIGHTEENTH AFFIRMATIVE DEFENSE

8 (Action Barred By Equity and Civil Code Provisions)

9 54. Further answering said complaint and as an  
10 eighteenth, separate and affirmative defense thereto, these  
11 answering defendants repeat, reallege and incorporate herein by  
12 reference each and every allegation contained in paragraphs 43, 44,  
13 45, 46 herein and allege as follows:

14 Plaintiffs are barred from judicial relief by the general  
15 principles of equity and the specific provisions of Part IV of the  
16 Civil Code, including but not limited to §§3512, 3517, 3519, 3524  
17 (without any admission of wrongdoing by defendants) and 3533.

18  
19 NINETEENTH AFFIRMATIVE DEFENSE

20 (Action Barred By Doctrine of Election of Remedies)

21 55. Further answering said complaint and as a  
22 nineteenth, separate and affirmative defense thereto, these  
23 answering defendants allege as follows:

24 Plaintiffs are barred from bringing this action against  
25 these defendants under the doctrine of election of remedies.

26 / / /

27 / / /

28 / / /



TWENTIETH AFFIRMATIVE DEFENSE

(Privilege)

56. Further answering said complaint and as a twentieth, separate and affirmative defense thereto, these answering defendants allege as follows:

At all relevant times, the acts of these answering defendants were privileged under Civil Code §47. Therefore, plaintiffs are barred from maintaining this action.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Justification -- Defense of Another, Interests  
Of Third Persons and the Public)

57. Further answering said complaint and as a twenty-first, separate and affirmative defense thereto, these answering defendants repeat, reallege and incorporate herein by reference each and every allegation contained in paragraphs 43, 44, 45, 46 herein and allege as follows:

At all relevant times, the acts of these answering defendants were privileged and justified because, if done at all, they were done in defense of others, the interests of third persons, the interests of justice, and the interests of the public.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Justification -- Drastic Result Exception  
To the Substantial Relationship Test)

58. Further answering said complaint and as a twenty-second, separate and affirmative defense thereto, these answering defendants repeat, reallege and incorporate by reference each and



1 every allegation contained in paragraph 46 herein and allege as  
2 follows:

3 At all relevant times, the acts of these answering  
4 defendants were justified because the circumstances under which  
5 these defendants felt compelled to temporarily represent the  
6 Aznarans were created by the plaintiffs' own intentional bad faith  
7 conduct, and but for these defendants' assistance, a drastic result  
8 would likely have occurred.  
9  
10

11  
12 TWENTY-THIRD AFFIRMATIVE DEFENSE

13 (Good Faith and Due Diligence)

14  
15 59. Further answering said complaint and as a twenty-  
16 third, separate and affirmative defense thereto, these answering  
17 defendants allege as follows:  
18

19 Defendants have acted at all times relative hereto in  
20 good faith and with due diligence.  
21

22  
23 TWENTY-FOURTH AFFIRMATIVE DEFENSE

24 (First Amendment Protection and Commerce Clause)

25  
26 60. Further answering said complaint and as a twenty-  
27 fourth, separate and affirmative defense thereto, these answering  
28 defendants allege as follows:  
29

30 Plaintiffs' complaint, and plaintiffs' claims for  
31 equitable relief and damages therein, are an unconstitutional  
32 attempt to limit and chill defendants' first amendment rights of  
33 freedom of speech, assembly and religion and, if granted, would  
34 violate, inter alia, the Commerce Clause of the Constitution of the  
35 United States and of applicable provisions of the Constitution of  
36  
37



1 the State of California.

2  
3 WHEREFORE, these answering defendants, and each of them,  
4 pray as follows:

5  
6 1. That plaintiffs, or any of them, take nothing by  
7 their complaint;

8  
9 2. That any temporary restraining order, preliminary  
10 injunction or other order entered against defendants, or any of  
11 them, in this action be dissolved and rendered of no further force  
12 and effect;

13  
14 3. For defendants' cost of suit incurred herein; and

15  
16 4. For such other and further relief as may be just and  
17 proper under the circumstances.

18  
19 Dated: January 22, 1992

LEWIS, D'AMATO, BRISBOIS & BISGAARD

20  
21  
22 By: 

GRAHAM E. BERRY

23 Attorneys for Defendants JOSEPH A.  
24 YANNY, an individual, and JOSEPH A.  
25 YANNY, a professional law corporation  
26  
27

28 1STAMDANS.VC  
29  
30  
31  
32  
33  
34  
35  
36  
37



DEMAND FOR JURY TRIAL

Defendants in this action, in which plaintiffs are seeking compensatory, punitive and exemplary damages, request jury trial as to all appropriate issues.

Dated: January 22, 1992

LEWIS, D'AMATO, BRISBOIS & BISGAARD

By Graham E. Berry  
GRAHAM E. BERRY  
Attorneys for Defendants JOSEPH A.  
YANNY, an individual, and JOSEPH A.  
YANNY, a professional law corporation

answr:2 vc



JURY TRIAL

CHECK APPLICABLE PARAGRAPH

☒ I am party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am ☒ an officer ☐ a partner ☐ a \_\_\_\_\_ of \_\_\_\_\_  
JOSEPH A. YANNY, A PROFESSIONAL CORPORATION

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☒ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for \_\_\_\_\_;  
a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.  
Executed on January 22, 19 92, at Los Angeles, California.  
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

JOSEPH A. YANNY

Type or Print Name

Signature

PROOF OF SERVICE  
1013A (3) CCF Revised 5/1/85

STATE OF CALIFORNIA, COUNTY OF \_\_\_\_\_

I am employed in the county of \_\_\_\_\_, State of California.  
I am over the age of 18 and not a party to the within action, my business address is \_\_\_\_\_

On \_\_\_\_\_, 19 \_\_\_\_\_, I served the foregoing document described as \_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_ in this action.

☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list;  
☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

☐ BY MAIL

☐ I deposited such envelope in the mail at \_\_\_\_\_, California.

The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at \_\_\_\_\_, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on \_\_\_\_\_, 19 \_\_\_\_\_, at \_\_\_\_\_, California.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the office of the addressee.

Executed on \_\_\_\_\_, 19 \_\_\_\_\_, at \_\_\_\_\_, California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature



PROOF OF PERSONAL SERV.

(Non-attorney--California state courts only)

I am over age 18 and not a party to this cause. On January 23, 1992, I personally served a true and correct copy of [REVISED PROPOSED] DEFENDANTS' VERIFIED FIRST AMENDED ANSWER TO PLAINTIFFS' VERIFIED COMPLAINT; DEMAND FOR JURY TRIAL on each of the following:

John J. Quinn, Esq.  
QUINN, KULLY & MORROW  
520 South Grand Avenue  
Eighth Floor  
Los Angeles, California 90071

Service was accomplished in the manner checked below:

\_\_\_\_\_ I personally delivered it to the attorney(s) or party named above.

\_\_\_\_\_ During the absence of the attorney from the office, I left it with the attorney's clerk or with a person having charge of the office.

\_\_\_\_\_ When there was no person in the attorney's office, I left it in a conspicuous place in the office between 9:00 a.m. and 5:00 P.M.

\_\_\_\_\_ When the office of the attorney was closed, I left it at the attorney's residence (which is in the same county as his or her office) with a person at least 18 years old.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on January 23, 1992.

\_\_\_\_\_  
\_\_\_\_\_  
(Print name of server)



(Non-attorney--California state courts only)

I am over age 18 and not a party to this cause. On January 23, 1992, I personally served a true and correct copy of [REVISED PROPOSED] DEFENDANTS' VERIFIED FIRST AMENDED ANSWER TO PLAINTIFFS' VERIFIED COMPLAINT; DEMAND FOR JURY TRIAL on each of the following:

William T. Drescher, Esq.  
23679 Calabasas Road  
Suite 338  
Calabasas, California 91302

Service was accomplished in the manner checked below:

\_\_\_\_\_ I personally delivered it to the attorney(s) or party named above.

\_\_\_\_\_ During the absence of the attorney from the office, I left it with the attorney's clerk or with a person having charge of the office.

\_\_\_\_\_ When there was no person in the attorney's office, I left it in a conspicuous place in the office between 9:00 a.m. and 5:00 p.m.

\_\_\_\_\_ When the office of the attorney was closed, I left it at the attorney's residence (which is in the same county as his or her office) with a person at least 18 years old.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on January 23, 1992.

\_\_\_\_\_  
\_\_\_\_\_  
(Print name of server)



PROOF OF PERSONAL SERVICE

(Non-attorney--California state courts only)

I am over age 18 and not a party to this cause. On January 23, 1992, I personally served a true and correct copy of [REVISIED PROPOSED] DEFENDANTS' VERIFIED FIRST AMENDED ANSWER TO PLAINTIFFS' VERIFIED COMPLAINT; DEMAND FOR JURY TRIAL on each of the following:

Laurie Bartilson, Esq.  
Helena K. Kobrin, Esq.  
BOWLES & MOXON  
6255 Sunset Boulevard  
Suite 2000  
Los Angeles, California 90028

Service was accomplished in the manner checked below:

\_\_\_\_\_ I personally delivered it to the attorney(s) or party named above.

\_\_\_\_\_ During the absence of the attorney from the office, I left it with the attorney's clerk or with a person having charge of the office.

\_\_\_\_\_ When there was no person in the attorney's office, I left it in a conspicuous place in the office between 9:00 a.m. and 5:00 p.m.

\_\_\_\_\_ When the office of the attorney was closed, I left it at the attorney's residence (which is in the same county as his or her office) with a person at least 18 years old.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on January 23, 1992.

\_\_\_\_\_  
\_\_\_\_\_  
(Print name of server)



1 PROOF OF SERVICE BY MAIL

2 [CCP § 1013(a)]

3 STATE OF CALIFORNIA )  
4 COUNTY OF LOS ANGELES )

5 I am employed in the County of Los Angeles, State of  
6 California. I am over the age of 18 and not a party to the within  
7 action. My business address is Lewis, D'Amato, Brisbois &  
8 Bisgaard, 221 North Figueroa Street, Suite 1200, Los Angeles,  
9 California 90012.

10 On January 23, 1992, I served the foregoing document described  
11 as:

12 [REVISÉD PROPOSED] DEFENDANTS' VERIFIED FIRST AMENDED  
13 ANSWER TO PLAINTIFFS' VERIFIED COMPLAINT; DEMAND FOR JURY TRIAL

14 on the interested parties in this action by placing a true copy  
15 thereof enclosed in a sealed envelope with postage thereon fully  
16 prepaid in the United States mail at: Los Angeles, California  
17 90012 addressed as follows:

18 Joseph A. Yanny, Esq.  
19 1925 Century Park East  
20 Suite 1260  
21 Los Angeles, California 90067

22 I am "readily familiar" with the firm's practice of collection  
23 and processing of correspondence for mailing. Under that practice,  
24 mail is deposited with the U.S. postal service on that same day in  
25 the ordinary course of business. I am aware that on motion of the  
26 party served, service is presumed invalid if the postal  
27 cancellation date or postage meter date is more than one day after  
28 the day of deposit for mailing an affidavit.

Executed on January 23, 1992 at Los Angeles, California.

[ X ] State I declare under penalty of perjury under the laws of  
the State of California that the above is true and  
correct.

[ ] Federal I declare that I am employed in the offices of a  
member of the bar of this court at whose  
direction service was made.

Karen D. Correjo  
Karen D. Correjo

Rev. 10/89



1 PROOF OF SERVICE BY MAIL

2 [CCP § 1013(a)]

3 STATE OF CALIFORNIA )  
4 )  
COUNTY OF LOS ANGELES )

5 I am employed in the County of Los Angeles, State of  
6 California. I am over the age of 18 and not a party to the within  
7 action. My business address is Lewis, D'Amato, Brisbois &  
Bisgaard, 221 North Figueroa Street, Suite 1200, Los Angeles,  
California 90012.

8 On January 23, 1992, I served the foregoing document described  
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10 [REVISED PROPOSED] DEFENDANTS' VERIFIED FIRST AMENDED  
ANSWER TO PLAINTIFFS' VERIFIED COMPLAINT; DEMAND FOR JURY TRIAL

11 on the interested parties in this action by placing a true copy  
12 thereof enclosed in a sealed envelope with postage thereon fully  
13 prepaid in the United States mail at: Los Angeles, California  
14 90012 addressed as follows:

15 Patrick K. Smith, Esq.  
1408 Talbott Tower  
131 N. Ludlow Street  
Dayton, Ohio 45402-1773

16 I am "readily familiar" with the firm's practice of collection  
17 and processing of correspondence for mailing. Under that practice,  
18 mail is deposited with the U.S. postal service on that same day in  
19 the ordinary course of business. I am aware that on motion of the  
party served, service is presumed invalid if the postal  
cancellation date or postage meter date is more than one day after  
the day of deposit for mailing an affidavit.

20 Executed on January 23, 1992 at Los Angeles, California.

21 [ X ] State I declare under penalty of perjury under the laws of  
22 the State of California that the above is true and  
correct.

23 [ ] Federal I declare that I am employed in the offices of a  
24 member of the bar of this court at whose  
direction service was made.

25 Karen D. Cornejo  
26 Karen D. Cornejo

27 Rev. 10/89